

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWAYNE B. BURNS,

Petitioner,

v.

ERIC MACRIHI,

Respondent.

No. 2:21-cv-2147 WBS KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 10, 2022, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner did not file objections to the findings and recommendations.

Although it appears from the file that petitioner's copy of the findings and recommendations was returned, petitioner was properly served. It is the petitioner's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

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1 The court presumes that any findings of fact are correct. See Orand v. United States, 602  
2 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo.  
3 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having  
4 reviewed the file, the court finds the findings and recommendations to be supported by the record  
5 and by the magistrate judge's analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The findings and recommendations filed August 10, 2022, are adopted in full; and  
8 2. This action is dismissed without prejudice for failure to prosecute. See Local Rule  
9 183(b).

10 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C.  
11 § 2253.

12 Dated: October 4, 2022

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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